

**53-1-101. Title.**

This title is known as the "Public Safety Code."

Enacted by Chapter 234, 1993 General Session

**53-1-102. Definitions.**

(1) As used in this title:

(a) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.

(b) "Department" means the Department of Public Safety created in Section 53-1-103.

(c) "Law enforcement agency" means an entity of the federal government, a state, or a political subdivision of a state, including a state institution of higher education, that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.

(d) "Law enforcement officer" has the same meaning as provided in Section 53-13-103.

(e) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheel chairs and vehicles moved solely by human power.

(f) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

(g) "State institution of higher education" has the same meaning as provided in Section 53B-3-102.

(h) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(2) The definitions provided in Subsection (1) are to be applied throughout this title in addition to definitions that are applicable to specific chapters or parts.

Amended by Chapter 282, 1998 General Session

**53-1-103. Creation of department.**

(1) There is created within state government the Department of Public Safety.

(2) The department has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities specified in this title.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-104. Boards, bureaus, councils, divisions, and offices.**

(1) The following are the policymaking boards within the department:

(a) the Driver License Medical Advisory Board, created in Section 53-3-303;

(b) the Concealed Firearm Review Board, created in Section 53-5-703;

(c) the Utah Fire Prevention Board, created in Section 53-7-203;

(d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and

(e) the Private Investigator Hearing and Licensure Board, created in Section

53-9-104.

(2) The following are the councils within the department:

(a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and

(b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.

(3) The following are the divisions within the department:

(a) the Administrative Services Division, created in Section 53-1-203;

(b) the Management Information Services Division, created in Section 53-1-303;

(c) the Division of Emergency Management, created in Section 53-2a-103;

(d) the Driver License Division, created in Section 53-3-103;

(e) the Criminal Investigations and Technical Services Division, created in Section 53-10-103;

(f) the Peace Officers Standards and Training Division, created in Section 53-6-103;

(g) the State Fire Marshal Division, created in Section 53-7-103; and

(h) the Utah Highway Patrol Division, created in Section 53-8-103.

(4) The Office of Executive Protection is created in Section 53-1-112.

(5) The following are the bureaus within the department:

(a) the Bureau of Criminal Identification, created in Section 53-10-201;

(b) the State Bureau of Investigation, created in Section 53-10-301;

(c) the Bureau of Forensic Services, created in Section 53-10-401; and

(d) the Bureau of Communications, created in Section 53-10-501.

Amended by Chapter 295, 2013 General Session

**53-1-105. Rulemaking -- Adjudicative proceedings -- Meetings.**

The commissioner and the department and its boards, councils, divisions, and offices shall comply with the procedures and requirements of:

(1) Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in their rulemaking;

(2) Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings; and

(3) Title 52, Chapter 4, Open and Public Meetings Act, in their meetings.

Amended by Chapter 382, 2008 General Session

**53-1-106. Department duties -- Powers.**

(1) In addition to the responsibilities contained in this title, the department shall:

(a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code, including:

(i) setting performance standards for towing companies to be used by the department, as required by Section 41-6a-1406; and

(ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section 41-6a-1304;

(b) make rules to establish and clarify standards pertaining to the curriculum and

teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

(c) aid in enforcement efforts to combat drug trafficking;

(d) meet with the Department of Technology Services to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations;

(e) provide assistance to the Crime Victim Reparations Board and the Utah Office for Victims of Crime in conducting research or monitoring victims' programs, as required by Section 63M-7-505;

(f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association;

(g) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 53-2a-702; and

(h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact.

(2) (a) The department may establish a schedule of fees as required or allowed in this title for services provided by the department.

(b) The fees shall be established in accordance with Section 63J-1-504.

(3) The department may establish or contract for the establishment of an Organ Procurement Donor Registry in accordance with Section 26-28-120.

Amended by Chapter 295, 2013 General Session

**53-1-107. Commissioner of public safety -- Appointment -- Qualifications -- Salary.**

(1) The chief executive officer of the department is the commissioner.

(2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner with the consent of the Senate.

(b) The commissioner shall serve for a period of four years from July 1 of the year of his appointment.

(3) The commissioner shall:

(a) be an individual of recognized executive and administrative capacity;

(b) be selected solely with regard to his qualifications and fitness to discharge the duties of the commissioner's office;

(c) be of high moral character;

(d) be of good standing in the community in which he lives; and

(e) have been a resident of this state for a period of at least five years immediately prior to his appointment.

(4) The commissioner shall devote full time to the duties of the office.

(5) The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Amended by Chapter 176, 2002 General Session

**53-1-108. Commissioner's powers and duties.**

(1) In addition to the responsibilities contained in this title, the commissioner shall:

- (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
- (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as required to properly discharge the duties of the department;
- (c) make rules:
  - (i) governing emergency use of signal lights on private vehicles; and
  - (ii) allowing privately owned vehicles to be designated for part-time emergency use, as provided in Section 41-6a-310;
- (d) set standards for safety belt systems, as required by Section 41-6a-1803;
- (e) serve as the cochair of the Emergency Management Administration Council, as required by Section 53-2a-105;
- (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6a-102; and
- (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.

(2) The commissioner may:

- (a) subject to the approval of the governor, establish division headquarters at various places in the state;
- (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that authority for cause, as authorized in Section 56-1-21.5;
- (c) create specialized units within the commissioner's office for conducting internal affairs and aircraft operations as necessary to protect the public safety;
- (d) cooperate with any recognized agency in the education of the public in safety and crime prevention and participate in public or private partnerships, subject to Subsection (3);
- (e) cooperate in applying for and distributing highway safety program funds; and
- (f) receive and distribute federal funding to further the objectives of highway safety in compliance with Title 63J, Chapter 5, Federal Funds Procedures Act.

(3) (a) Money may not be expended under Subsection (2)(d) for public safety education unless it is specifically appropriated by the Legislature for that purpose.

(b) Any recognized agency receiving state money for public safety shall file with the auditor of the state an itemized statement of all its receipts and expenditures.

Amended by Chapter 295, 2013 General Session

**53-1-109. Security for capitol complex -- Traffic and parking rules enforcement for division -- Security personnel as law enforcement officers.**

(1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the same meaning as provided in Section 63C-9-102.

(2) (a) The commissioner, under the direction of the State Capitol Preservation Board, shall:

- (i) provide for the security of capitol hill facilities and capitol hill grounds; and

(ii) enforce traffic provisions under Title 41, Chapter 6a, Traffic Code, and parking rules, as adopted by the State Capitol Preservation Board, for capitol hill facilities and capitol hill grounds.

(b) The commissioner, in cooperation with the director of the Division of Facilities Construction and Management shall provide for the security of all grounds and buildings under the jurisdiction of the Division of Facilities Construction and Management.

(3) Security personnel required in Subsection (2) shall be law enforcement officers as defined in Section 53-13-103.

(4) Security personnel who were actively employed and had five or more years of active service with Protective Services within the Utah Highway Patrol Division as special function officers, as defined in Section 53-13-105, on June 29, 1996, shall become law enforcement officers:

(a) without a requirement of any additional training or examinations, if they have completed the entire law enforcement officer training of the Peace Officers Standards and Training Division; or

(b) upon completing only the academic portion of the law enforcement officer training of the Peace Officers Standards and Training Division.

(5) An officer in a supervisory position with Protective Services within the Utah Highway Patrol Division shall be allowed to transfer the job title that the officer held on April 28, 1996, into a comparable supervisory position of employment as a peace officer for as long as the officer remains with Protective Services within the Utah Highway Patrol Division.

Amended by Chapter 2, 2005 General Session

**53-1-110. Compilation of highway, traffic, and driver licensing laws -- Printing and distribution -- Fees.**

(1) (a) The commissioner shall compile an edition of the general highway, traffic, and driver licensing laws of the state as soon as practicable after each regular session of the Legislature.

(b) The edition shall include laws enacted or amended by the most recent session of the Legislature.

(2) (a) The Division of Finance shall print a sufficient quantity of the compiled highway, traffic, and driver licensing laws to distribute copies to all state, county, and local enforcement agencies, courts, legislators, and other agencies as necessary.

(b) A fee may be assessed for each copy of the compilation issued by the Division of Finance. The fee shall be established by the Division of Finance in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**53-1-111. Crime prevention month -- Department of Public Safety to coordinate.**

(1) The month of October is designated as "Crime Prevention Month."

(2) The department shall coordinate all activities, special programs, and

promotional information to heighten public awareness and involvement in the prevention of crime in each community.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-112. Office of Executive Protection -- Creation.**

There is created within the department the Office of Executive Protection.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-113. Office of Executive Protection -- Personnel.**

(1) The commissioner shall select personnel for the Office of Executive Protection primarily from the ranks of the Highway Patrol without competitive examination.

(2) Selection of personnel from other than these ranks may be made at the commissioner's discretion, provided the persons selected are peace officers.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-1-114. Office of Executive Protection -- Security and protection for governor and family -- Protection for other officials.**

(1) The Office of Executive Protection shall provide all necessary security and protection for the governor and the governor's immediate family.

(2) (a) Subject to the direction of the commissioner, the Office of Executive Protection may provide protection to other public officials.

(b) That protection may not extend for more than 15 days without review and approval by majority vote of the president of the Senate, the speaker of the House, and the commissioner.

(c) Review and approval by the same majority vote shall be required at the end of each 15-day period.

Amended by Chapter 146, 2000 General Session

**53-1-115. Office of Executive Protection -- Closure of property to protect governor -- Violation of order of closure.**

(1) As used in this section:

(a) "Office" includes the governor's official office and any other location not generally open to the public in which the governor is conducting the business of the state.

(b) "Parking space" includes any space occupied or to be occupied by the governor's vehicle when parked, regardless of whether it is the regular parking space of the governor's vehicle.

(c) "Premises" includes:

(i) the governor's official residence, private residence, and any temporary residence owned by the governor or the governor's family; and

(ii) any temporary lodging or residence where the governor is staying or intends

to stay, regardless of whether the stay is for official or other purposes.

(d) "Vehicle" includes an automobile, airplane, or other mode of conveyance in which the governor is traveling or intends to travel.

(2) A member of the Office of Executive Protection may order the closure or restriction of access to the governor's premises or office when in the member's discretion that action is necessary to insure the safety of the governor, the governor's immediate family, or other persons within the premises or office.

(3) A member of the Office of Executive Protection may order restriction of access to the governor's vehicle by ordering closure of or restriction of access to areas surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress, when in the member's discretion that action is necessary to ensure the safety of the governor, the governor's immediate family, other persons within the vehicle, or the safe passage of persons in or out of or to or from the vehicle.

(4) A member of the Office of Executive Protection may order closure or restriction of access to any public property when in the member's discretion that action is necessary in the discharge of the duty to protect the governor, the governor's immediate family, or other persons for whom protection may be provided under Section 53-1-114.

(5) (a) A member of the Office of Executive Protection may order closure of or restriction of access to privately owned property to the same extent and for the same purposes as for publicly owned property with the consent of the owner, tenant, or occupant of the private property.

(b) The owner, tenant, or occupant may:

(i) expressly ratify consent that was previously implicit; and

(ii) withdraw consent by informing a member of the Office of Executive Protection.

(6) An order of closure or restriction remains in effect for up to three consecutive days and may be extended beyond three days:

(a) with the commissioner's approval; or

(b) without the commissioner's approval if immediate circumstances warrant the extension.

(7) (a) An order closing or restricting access to property shall be posted by placing a copy of it at the primary entrance to the property.

(b) An order restricting access to a vehicle shall be posted by placing a copy of it in the area to be closed or restricted, including the area surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress.

(c) An order is not invalidated for failure to comply with the procedures of Subsection (7)(a) or (7)(b) if notice to the public of the order is otherwise sufficient and reasonable under the circumstances.

(8) An order shall specify the extent of the closure or restriction.

(9) A person who intentionally or knowingly enters or remains within public property in violation of an order of closure or restricted access is guilty of a class B misdemeanor.

(10) This section does not restrict or limit a member of the Office of Executive Protection in exercising any other power available to the member as an officer of the law to provide for the security of the governor or the safety of the public.

Amended by Chapter 146, 2000 General Session

**53-1-116. Violations.**

A violation of this title, except for a violation under Chapter 3, Part 2, Driver Licensing Act, is a class C misdemeanor, unless otherwise provided.

Amended by Chapter 51, 1997 General Session

**53-1-117. Alcohol or drug enforcement funding -- Rulemaking -- Legislative findings.**

(1) From money appropriated by the Legislature and any other funds made available for the purposes described under this section, the department shall assist the law enforcement agencies of the state and its political subdivisions in the enforcement of alcohol or drug-related offenses.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules establishing criteria and procedures for granting money under this section to law enforcement agencies for:

- (a) providing equipment, including drug and alcohol testing equipment;
- (b) funding the training and overtime of peace officers; and
- (c) managing driving under the influence related abandoned vehicles.

(3) The Legislature finds that the money is for a general and statewide public purpose.

Amended by Chapter 342, 2011 General Session

**53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation -- Funding -- Distribution of funds by the commissioner.**

(1) There is created in the General Fund a restricted account known as the Public Safety Honoring Heroes Restricted Account.

(2) The account shall be funded by:

(a) contributions deposited into the Public Safety Honoring Heroes Restricted Account in accordance with Section 41-1a-422;

(b) private contributions; and

(c) donations or grants from public or private entities.

(3) The Legislature shall appropriate money in the account to the commissioner.

(4) The commissioner shall distribute the funds to one or more charitable organizations that:

(a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code; and

(b) have as a primary part of their mission to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

(5) The commissioner may only consider proposals that are:

(a) proposed by a charitable organization under Subsection (4); and

(b) designed to support families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.



(6) (a) An organization described in Subsection (4) may apply to the commissioner to receive a distribution in accordance with Subsection (4).

(b) An organization that receives a distribution from the commissioner in accordance with Subsection (4) shall expend the distribution only to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules providing procedures for an organization to apply to receive funds under this section.

Amended by Chapter 303, 2011 General Session

**53-1-119. Tracking effects of abuse of alcoholic products.**

(1) There is created a committee within the department known as the "Alcohol Abuse Tracking Committee" that consists of:

- (a) the commissioner, or the commissioner's designee;
- (b) the executive director of the Department of Health, or the executive director's designee;
- (c) the executive director of the Department of Human Services, or the executive director's designee;
- (d) the director of the Department of Alcoholic Beverage Control, or the director's designee;
- (e) the executive director of the Department of Workforce Services, or the executive director's designee;
- (f) the chair of the Utah Substance Abuse Advisory Council, or the chair's designee;
- (g) the state court administrator or the state court administrator's designee; and
- (h) the executive director of the Department of Technology Services, or the executive director's designee.

(2) The commissioner, or the commissioner's designee, shall chair the committee.

(3) (a) Four members of the committee constitute a quorum.

(b) A vote of the majority of the committee members present when a quorum is present is an action of the committee.

(4) The committee shall meet at the call of the chair, except that the chair shall call a meeting at least twice a year:

(a) with one meeting held before April 1 of each year to develop the report required under Subsection (7); and

(b) with one meeting to review and finalize the report before it is issued July 1.

(5) The committee may adopt additional procedures or requirements for:

- (a) voting, when there is a tie of the committee members;
- (b) how meetings are to be called; and
- (c) the frequency of meetings.

(6) The committee shall establish a process to collect for each calendar year the following information:

- (a) the number of individuals statewide who are convicted of, plead guilty to,

plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to underage drinking of alcohol;

(b) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to driving under the influence of alcohol;

(c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act, related to over-serving or over-consumption of an alcoholic product;

(d) the cost of social services provided by the state related to abuse of alcohol, including services provided by the Division of Child and Family Services within the Department of Human Services;

(e) where the alcoholic products are obtained that results in the violations or costs described in Subsections (6)(a) through (d); and

(f) any information the committee determines can be collected and relates to the abuse of alcoholic products.

(7) Beginning July 1, 2014, the committee shall report the information collected under Subsection (6) annually to the governor and the Legislature by no later than the July 1 immediately following the calendar year for which the information is collected.

Amended by Chapter 163, 2014 General Session

**53-1-201. Short title.**

This part is known as "Administrative Services."

Enacted by Chapter 234, 1993 General Session

**53-1-202. Definitions.**

As used in this part:

(1) "Director" means the division director appointed under Section 53-1-203.

(2) "Division" means the Administrative Services Division created in Section 53-1-203.

Enacted by Chapter 234, 1993 General Session

**53-1-203. Creation of Administrative Services Division -- Appointment of director -- Qualifications -- Term -- Compensation.**

(1) There is created within the department the Administrative Services Division.

(2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.

(3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.

(4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Enacted by Chapter 234, 1993 General Session

**53-1-204. Division duties.**

The division shall:

- (1) provide administrative and staff support to the commissioner;
- (2) ensure that all departmental administrative processes are in compliance with state law, rules, and procedures;
- (3) administer all human resource related matters throughout the department;
- (4) make deposits, pay all claims and obligations of the department, and conduct all treasury transactions;
- (5) prepare the department budget, review department expenditures, prepare financial reports, and offer general assistance with financial matters to the department;
- (6) coordinate and review department purchases and monitor department purchasing practices to ensure compliance with state procurement rules;
- (7) coordinate the purchase, operation, maintenance, records, and final disposal of the department's vehicle fleet;
- (8) make capital facility plans for the department, maintain a capital equipment inventory system, coordinate risk management records, and organize waste paper recycling; and
- (9) make rules for the department authorized by this title.

Enacted by Chapter 234, 1993 General Session

**53-1-301. Short title.**

This part is known as "Management Information Services."

Enacted by Chapter 234, 1993 General Session

**53-1-302. Definitions.**

As used in this part:

- (1) "Director" means the division director appointed under Section 53-1-303.
- (2) "Division" means the Management Information Services Division created in Section 53-1-303.

Enacted by Chapter 234, 1993 General Session

**53-1-303. Creation of Management Information Services Division -- Appointment of director -- Qualifications -- Term -- Compensation.**

- (1) There is created within the department the Management Information Services Division.
- (2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
- (3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
- (4) The director acts under the supervision and control of the commissioner and

may be removed from his position at the will of the commissioner.

(5) The director shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Enacted by Chapter 234, 1993 General Session

**53-1-304. Division duties.**

The division shall:

(1) provide technical support for the department's various computer systems, including computer software, hardware, and networking support;

(2) provide access to the National Crime Information Center, National Law Enforcement Telecommunication System, which provides electronic mail messaging capabilities to law enforcement agencies throughout the nation, and to National Commercial Driver License Information;

(3) create information systems for public safety information;

(4) provide programming support as required by the department;

(5) design systems and programs to maximize the efficiency of the department;

(6) provide law enforcement officers and criminal justice agencies access to public safety information that will assist in protecting the public; and

(7) other duties as assigned by the commissioner.

Enacted by Chapter 234, 1993 General Session